

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 16, 2007

D048526 People v. Gill

Affirmed. Irion, J.; We Concur: Benke, Acting P.J., Nares, J.

D048089 People v. Threats

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., O'Rourke, J.

D050094 Fegan et al. v. Superior Court of San Diego County/Gilday

The petition is denied.

D046881 People v. McDonald

We order the abstract of judgment to be corrected to reflect: the striking of the section 667.5, subdivision (b) one-year enhancement; count 1 has a term of eight years; counts 2 and 3 are nonviolent felonies and each have a term of two years, eight months; counts 4 to 7 each have a term of one year, four months; count 6 is stayed; 5 years for the prison prior allegation, and the total term is 22 years 4 months. A copy of the amended abstract is to be forwarded to the Department of Corrections and Rehabilitation. In all other respects, we affirm the judgment. McConnell, P.J.; We Concur: O'Rourke, J., Aaron, J.

D047059 People v. Duran

Respondent has conceded that under People v. Jones (1993) 5 Cal.4th 1142, 1150, Duran was subject only to five-year enhancements under section 667, subdivision (a), and that the prison term enhancements imposed by the trial court under sections 667.5, subdivision (a), and 667, subdivision (b), should be stricken. Accordingly, the case is remanded to the trial court with directions to strike the prior prison term enhancements under sections 667.5, subdivision (a), and 667, subdivision (b), and to send to the Department of Corrections a corrected abstract of judgment. In all other respects, the judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D047173 People v. Lombardi

Judgment affirmed. Benke, Acting P.J., We Concur: Haller, J., O'Rourke, J.

D047603 In re Cingular Cases

The order denying the motion to compel arbitration is affirmed. Benke, Acting P.J., We Concur: Haller, J., O'Rourke, J.

D047565 People v. Wright

As corrected, the order of commitment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D049671 In re T.A. et al., Juveniles

The appeal is dismissed. Haller, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

January 16, 2007 (Continued)

**D049897 Trisha R. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The attorney for petitioner Trisha R. has notified the court that a petition for writ of mandate under California Rules of Court, 8.452 and 5.600 will not be filed because there are no viable issues for writ review. The case is dismissed.

D049870 L & J Assets v. Big Purple International Inc., et al.

The appeal filed November 27, 2006, is dismissed because appellant did not timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rules 8.120(c), 8.130(b), 8.140).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 17, 2007

D048686 In re Christopher B., a Juvenile

The juvenile court's order declaring Christopher a ward is affirmed. McIntyre, J.;
We Concur: McConnell, P.J., O'Rourke, J.

D049383 In re Daniel L., a Juvenile

The appeal is dismissed. Nares, Acting P.J.; We Concur: Haller, J., Aaron, J.

D049664 In re J.C. et al., Juveniles

The appeal is dismissed. Huffman, J.; We Concur; Benke, Acting P.J., McDonald, J.

D047414 People v. Spicer

It is ordered that the opinion filed on January 4, 2007, is modified. There is no change in judgment.

D048210 In re Ashford on Habeas Corpus

The portion of the trial court's order granting Ashford access to internet resources is reversed. In all other respects the order is affirmed. The trial court is directed to prepare a new order consistent with this opinion. O'Rourke, J.; We Concur: McDonald, Acting P.J., Irion, J.

D049091 In re Jonathan W., a Juvenile

D049873 In re Jonathan W., a Minor on Habeas Corpus

D049570 In re Jonathan W., a Juvenile

Respondent County Counsel's opposed motion to consolidate case numbers D049091, D049873 and D049570 is granted. The respondent's brief of Gregory W. in case number D049570 is deemed filed as of the date of this order. The respondent's brief of County Counsel is due within 10 days from the date of this order. All future filings will be under case number D049091.

D046948 In re the Marriage of Schmitt

The order is affirmed. The parties shall bear their own costs on appeal. McDonald, J.;
We Concur: McConnell, P.J., O'Rourke, J.

D043177 Park et al. v. Cytodyne Technologies, Inc.

Based on the stipulation of the parties under section 128, subdivision (a)(8), the judgment is reversed and the case is remanded to the trial court with directions to dismiss the action with prejudice. The remittitur shall issue immediately. Each party shall bear its own costs on appeal. McDonald, Acting P.J. We Concur: O'Rourke, J., Aaron, J.

D050077 Gooden v. Superior Court of San Diego County/County of San Diego

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 17, 2007 (Continued)

D049465 In re Colon on Habeas Corpus

The petition is denied.

D049626 In re Karafili on Habeas Corpus

The petition is denied.

D050013 Venessa T. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for Venessa T. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Venessa T. is dismissed.

D049991 Patrick B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for Patrick B. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D049552 In re Love on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 18, 2007

D049227 In re Tristen P., a Juvenile

Judgment affirmed. Benke, Acting P.J., We Concur: Haller, J., O'Rourke, J.

D049553 In re Zuniga on Habeas Corpus

The petition is denied.

D049424 Maria G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Benke, J.; We Concur: McConnell, P.J., Aaron, J.

D049557 California Department of Parks and Recreation v. Superior Court of San Diego County/Ecologic Partners Inc., et al.

The petition is denied.

D049462 Guadalupe G. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Let a writ issue directing the superior court to vacate its findings and order terminating reunification services and setting a permanency plan hearing under section 366.26, and enter a new order returning the child to the custody of her parent or parents under a plan of family maintenance services. The stay issued December 22, 2006, is vacated. We Concur: Irion, J.; We Concur: Haller, Acting P.J., McDonald, J.

D048968 In re Joe C., a Juvenile

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Haller, J.

D049877 In re Faith E., a Juvenile

The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 18, 2007

D049029 In re Virginia T. et al., Juveniles

The judgment is reversed and the court is directed to issue a new visitation order specifying the frequency and duration of visits. The court is also directed to comply with the notice provisions of ICWA with respect to the Mesa Grande Tribe. If, after proper inquiry and notice, the Mesa Grande Tribe does not intervene, the juvenile court shall reinstate the judgment. If the Mesa Grande Tribe intervenes, the court is ordered to conduct a new selection and implementation hearing in accordance with ICWA. (See *In re Jonathan D.* (2001) 92 Cal.App.4th 105, 111-112; *In re Francisco W.*, *supra*, 139 Cal.App.4th at p. 711.) McIntyre J.; We Concur: Benke, Acting P.J., Aaron, J.

D047504 Thomas v. Kawesch et al.

The judgment is reversed and the matter is remanded for further proceedings consistent with this opinion. Thomas is to recover her costs on appeal. McIntyre, J.; We Concur: Benke, Acting P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 19, 2007

D048768 Allocco et al. v. Bull, S.A.S.

Upon written request filed by appellants, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D050135 Ashford v. Superior Court of San Diego County/California Department of
Corrections and Rehabilitation**

The petition is denied.